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ITURRALDE, ENRIQUE W				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/782,734

**Applicant(s)**

RAHMAN ET AL.

**Examiner**

ENRIQUE W. ITURRALDE

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-9,11-18,20-28,30-41,44,45,47-62,64-68,70-80 and 82-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-18,20-28,30-41,44,45,47-62,64-68,70-80 and 82-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to Amendment filed 06/05/2008 under 37 C.F.R. §1.111. Claims 1-2, 4-9, 11-18, 20-21, 24-28, 30-41, 44-45, 47-49, 52-62, 64-68, 71-77, 79-80, and 82-88 have been amended. Claims 3, 10, 19, 29, 42-43, 46, 63, 69, 81 have been cancelled. Claims 89-90 have been added. Claims 1-2, 4-9, 11-18, 20-28, 30-41, 44-45, 47-62, 64-68, 70-80, and 82-90 remain pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 4-9, 11-18, 20-28, 30-41, 44-45, 47-62, 64-68, 70-80, and 82-90 are rejected under 35 U.S.C. 102(a) as being anticipated by Rudolph (2004/0267778 A1).

1. As per claim 1, Rudolph teaches: receiving a request, from an application at an application programming interface (API) [API of 0006], to interact with a plurality of media [media processor for processing received media data of 0006]; and generating a media timeline based on the request [determine timeline of 0006], wherein the media timeline: is for is exposed to the application via the API; includes a plurality of nodes and defines a presentation of a first said media referenced by a first node with respect to a second media referenced by a second node [a media session to determine a timeline for events to occur for performing media processing and a topology loader configured to ensure that events in the topology occur of 0006; the topology can have

several nodes of 0007; nodes of Figure 6], wherein: the first and second nodes are configured as parallel nodes such that the first node that is a child of a parent node is rendered concurrently with the second node that is a child of the same parent node [parallel nodes of 0045]; and the media timeline is configured for dynamic creation such that at least one node is created while the media timeline is being rendered [topology enables dynamic adding and removing of 0006; and dynamic concept that allows switching/swapping of nodes without affects other nodes of 0036].

2. As per claim 2, Rudolph teaches: one or more nodes are configured as a sequence node such that one said node that is a child of the sequence node is rendered after another said node that is also a child of the sequence node [sequence node of 0045].
3. As per claim 4, Rudolph teaches: one or more nodes is configured as a root node that specifies a starting point for rendering the media timeline [data flows through system beginning with a media source of 0034; source node of 0045 and Figure 6].
4. As per claim 5, Rudolph teaches: the first and second nodes reference the respective first and second media utilizing respective first and second pointers [pointers of 0035].
5. As per claim 6, Rudolph teaches: at least one said node includes metadata that describes rendering of the at least one said node [parameters of abstract, 0008, 0009].
6. As per claim 7, Rudolph teaches: metadata is a start time property that specifies when rendering of the at least one said node is to begin with respect to another said node [duration parameter of abstract and 0008].

7. As per claim 8, Rudolph teaches: at least one node is configured to reference an effect to be applied to an output of media referenced by the node [effect node of 0038 and 0039].
8. As per claim 9, Rudolph teaches: the media timeline is configured for dynamic loading such that metadata included in at least one said node specifies a collection of nodes to be loaded when the media timeline is rendered [topology capable of being passed to a media process as an extensible symbolic representation of an intended media flow of abstract].
9. As per claim 11, Rudolph teaches: at least one node is specified as read-only [input and output nodes are not changed of 0081].
10. As per claim 12, Rudolph teaches: at least one said node is configured for communication of events to another said node such that a change may be made to the media timeline while the media timeline is rendered [dynamic and extensible concept that allow switching out of nodes, and swapping nodes without affecting other nodes and interchangeable nodes of 0036].
11. As per claim 13, Rudolph teaches: the first and second said media have different formats, [different file types of 0002 and 0033].
12. As per claim 14, Rudolph teaches: one or more computer readable media storing computer executable instructions that, when executed by a computer, direct the computer to perform the method above [computer storage media of 0026].
13. As per claim 15, Rudolph teaches: generating a media timeline by an application, wherein the media timeline: includes a plurality of nodes; and defines a presentation of

a first said media referenced by a first said node with respect to a second said media referenced by a second said node [a media processor for processing received media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader configured to ensure that events in the topology occur of 0006; the topology can have several nodes of 0007; nodes of Figure 6]; and passing the media timeline to a timeline source for rendering [render of 0003], and is configured for dynamic creation such that at least one node is created while the media timeline is being rendered [topology enables dynamic adding and removing of 0006; and dynamic concept that allows switching/swapping of nodes without affects other nodes of 0036].

14. As per claim 16, the claim contains substantially the same subject matter as claim 13, and remains rejected using the same rationale.

15. As per claim 17, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

16. As per claim 18, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

17. As per claim 20, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

18. As per claim 21, Rudolph teaches: specifying an effect to be applied to one or more of a plurality of media when the media is rendered [effects of 0038 and 0039]; and generating a media timeline configured for exposure via an application programming interface (API), wherein: the media timeline includes a plurality of nodes; two or more said nodes reference respective said media [a media processor for processing received

media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader configured to ensure that events in the topology occur of 0006; the topology can have several nodes of 0007; nodes of Figure 6]; and

one or more said nodes that reference the one or more said media include metadata that describes the effect [effect nodes of 0038 and 0039]; and the media timeline is configured for dynamic creation such that at least one node is created while the media timeline is being rendered [topology enables dynamic adding and removing of 0006; and dynamic concept that allows switching/swapping of nodes without affects other nodes of 0036].

19. As per claim 22, Rudolph teaches: the effect is a simple effect provided by a software component that is configured to: receive a single stream of media; apply the effect to the single stream; and output the applied single stream [e.g. audio stream is coupled to audio effect and other effects examples of 0039].

20. As per claim 23, Rudolph teaches: the effect is a composite effect provided by a software component that is configured to: receive at least two streams of media; apply the effect at least two streams; and output a applied single stream of media composed of the applied at least two streams [e.g. two video streams are coupled to a video transition effect of 0039].

21. As per claim 24, Rudolph teaches: the effect is a composite effect provided by a software component that is configured to analyze at least two streams of media or output at least two streams of media [Video stream #1 is coupled to video decoder,

which is coupled to video transition. Video stream #2 is coupled to video color space converter, which is coupled to video transition as well. Video transition is coupled to video resizer, which is further coupled to output #2 (video) of 0040].

22. As per claim 25, Rudolph teaches: the effect is a transition effect to be applied as a transition from a first media referenced by a first said node to a second media referenced by a second node [transition of 0039 and 0040].

23. As per claim 26, the claim contains substantially the same subject matter as claim 7, and remains rejected using the same rationale.

24. As per claim 27, the claim contains substantially the same subject matter as claim 6, and remains rejected using the same rationale.

25. As per claim 28, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

26. As per claim 30, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

27. As per claim 31, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

28. As per claim 32, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

29. As per claim 33, Rudolph teaches: rendering a first media item referenced by a first node; receiving a call for a second node that references a second media item; and creating the second node while rendering the first media item [a media processor component configured to process received media data, a media session to determine a



timeline for events to occur for performing media processing and a topology loader component to load a topology that describes a flow for the received media data to enable processing via an extensible symbolic abstraction of media objects, the topology loader configured to ensure that events described in the topology occur of 0006; the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099].

30. As per claim 34, Rudolph teaches: rendering a second media item referenced by the second node when the rendering of the first media item is completed [e.g. play file 1 followed by file 2 of 0046].

31. As per claim 35, Rudolph teaches: rendering the second media item referenced by the second node; receiving a call for a third node that references a third media item; and creating the third node [a media processor component configured to process received media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader component to load a topology that describes a flow for the received media data to enable processing via an extensible symbolic abstraction of media objects, the topology loader configured to ensure that events described in the topology occur of 0006; the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099].

32. As per claim 36, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

33. As per claim 37, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

34. As per claim 38, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

35. As per claim 39, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

36. As per claim 40, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

37. As per claim 41, Rudolph teaches: loading a first said node for rendering; examining metadata associated with the first node to determine a first said node grouping [groupings of Figure 6] to be loaded in conjunction with the first node; loading each said node referenced by the first node grouping; rendering the first node grouping; examining at least one or more nodes in the first node grouping to determine a second said node grouping, wherein the examining at least one node in the first node grouping is performed during the rendering of the first node grouping; loading each node referenced by the second node grouping; and rendering the second node grouping when the rendering of the first said node grouping is completed [receiving a topology that includes parameters (a unique identifier, a state of a topology, a descriptor for the topology, one or more characteristics about a node of the topology, and executable instructions adapted to provide a topology capable of being passed to a media processor as an extensible symbolic representation of an intended media flow calculated based on at least one of the input parameters of 0009)], wherein the media

timeline is configured for dynamic creation where on node is created while the media timeline is being rendered, the dynamic creation of the one node being performed by a node source that includes data that defines properties and interrelationships of the created node; [the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099]; and at least one node is configured for communication of an event to another node such that a change may be made to the media timeline while the media timeline is being rendered, wherein the plurality of nodes of the media timeline that are affected by the change are automatically updated [object is created, stuffed with properties, then follows the created object down into the Topology and is used by the Media Processor to set properties on the object for every frame tick of 0065].

38. As per claim 44, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

39. As per claim 45, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

40. As per claim 47, the claim contains substantially the same subject matter as claim 13, and remains rejected using the same rationale.

41. As per claim 48, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

42. As per claim 49, Rudolph teaches:

rendering a first said node to output a referenced first said media; during the rendering,

changing one or more properties of a second said node; and initiating, by an event generator located on the second said node, an event for communication to a parent said node of the second said node, wherein the event describes the changing [a media processor component configured to process received media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader component to load a topology that describes a flow for the received media data to enable processing via an extensible symbolic abstraction of media objects, the topology loader configured to ensure that events described in the topology occur of 0006; the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; addNode of 0094].

43. As per claim 50, Rudolph teaches: the event is communicated to at least one of an application over the API [API of abstract] and a timeline source for rendering the media timeline [timeline of 0006].

44. As per claim 51, Rudolph teaches: one of the properties is node changed event [addNode of 0094].

45. As per claim 52, the claim contains substantially the same subject matter as claim 4, and remains rejected using the same rationale.

46. As per claim 53, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

47. As per claim 54, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

48. As per claim 55, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

49. As per claim 56, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

50. As per claim 57, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

51. As per claim 58, Rudolph teaches:

each said node includes metadata that describes the node [parameters of abstract, 0008, 0009]; one or more said nodes reference a corresponding media item; the plurality of nodes are arranged in a tree structure [nodes of Figure 6]; and the arrangement of the plurality of nodes, one to another, describes an order for rendering the plurality of nodes [the topology describes the flow of data through the collection of components of 0035], wherein the media timeline is configured for dynamic creation such that at least one node is created while the media timeline is rendered ; [the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099].

52. As per claim 59, the claim contains substantially the same subject matter as claim 7, and remains rejected using the same rationale.

53. As per claim 60, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

54. As per claim 61, the claim contains substantially the same subject matter as claim 6, and remains rejected using the same rationale.

55. As per claim 62, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

56. As per claim 64, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

57. As per claim 65, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

58. As per claim 66, Rudolph teaches: two or more said nodes reference respective media; the plurality of nodes are arranged in a hierarchy to include a parent said node and a child said node [nodes and hierarchy of Figure 6]; and the child said node is configured for initiating an event for communication to the parent said node, wherein the event: is configured such that a change may be made to one or more properties of the child node while the media timeline is rendered [nodes 622 and 624 are coupled to node 626 to perform a wipe of 0045 and Figure 6; to enable a user to set the output media type of a given output stream for a node and to determine and name a topology descriptor of the currently loaded topology; of 0051]; and describes the change [wipe of figure 6].

59. As per claim 67, Rudolph teaches: wherein another node, which is not a parent of the child node, subscribes to the child node to receive the event [nodes of Figure 6].

60. As per claim 68, Rudolph teaches: the event is initiated by the child node; and one or more events initiated by children of the child node [the data can be directly

passed from one node to the next node of 0038; a node may instantiate an object of 0038].

61. As per claim 70, the claim contains substantially the same subject matter as claim 51, and remains rejected using the same rationale.

62. As per claim 71, the claim contains substantially the same subject matter as claim 4, and remains rejected using the same rationale.

63. As per claim 72, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

64. As per claim 73, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

65. As per claim 74, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

66. As per claim 75, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

67. As per claim 76, Rudolph teaches: exposing a media timeline comprising one or more nodes to the application; enabling the application to call any of the one or more nodes, wherein each of the one or more nodes: references corresponding media [a media processor for processing received media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader configured to ensure that events in the topology occur of 0006; the topology can have several nodes of 0007; nodes of Figure 6]; includes metadata describing one or more properties for rendering corresponding media [parameters of abstract, 0008, 0009]; and

includes metadata specifying the node as read-only [input and output nodes are not changed of 0081]; and configuring the media timeline for dynamic creation such that at least one of the one or more nodes is created while the media timeline is being rendered [the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099].

68. As per claim 77, Rudolph teaches: a plurality of media; a plurality of applications; and an infrastructure layer that: provides an application programming interface (API) for interaction by the plurality of applications with the plurality of media when any said application is executed; and exposes a media timeline, callable by the plurality of applications via the API upon an execution thereof, and that defines a presentation of the plurality of media [a media processor for processing received media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader configured to ensure that events in the topology occur of 0006; the topology can have several nodes of 0007; nodes of Figure 6], wherein the media timeline: includes a plurality of nodes that each reference respective media [topology nodes and pointers to media objects of 0035]; and is configured for dynamic creation such that at least one node is created while the media timeline is rendered [the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099].



69. As per claim 78, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

70. As per claim 79, Rudolph teaches: the media timeline defines a presentation of a first media referenced by a first node with respect to a second media referenced by a second node [a timeline describes a multimedia presentation which changes over time, for example using files 1 and 2 of 0045 and Figure 6]; and at least one said node includes metadata that describes rendering of the at least one node [parameters of abstract, 0008, 0009].

71. As per claim 80, Rudolph teaches: the media timeline is configured for dynamic loading such that metadata [parameters of abstract, 0008, 0009] included in at least one said node specifies a collection of said nodes to be loaded when the media timeline is rendered [the topology enables dynamic adding and removing of 0006; dynamic concept that allows switching out and swapping of nodes without affecting other nodes of 0036; create node of 0098 and 0099].

72. As per claim 82, Rudolph teaches: at least one node is specified as read-only [input and output nodes are not changed of 0081].

73. As per claim 83, Rudolph teaches: at least one said node is configured for communication of events to another said node such that a change may be made to the media timeline while the media timeline is rendered [the topology enables dynamic adding and removing of 0006; addNode of 0094].

74. As per claim 84, Rudolph teaches: a processor and memory configured to maintain [processors and memory of 0020]; a plurality of media; a

plurality of applications, wherein each said application is configured to request at least one of editing, encoding, and rendering of the plurality of media; and  
an infrastructure layer configured to:  
provide an application programming interface (API) for interaction by the plurality of applications with the plurality of media; and  
expose a media timeline, callable by the plurality of applications via the API, that includes a plurality of nodes that define a presentation of the plurality of media [a media processor component configured to process received media data, a media session to determine a timeline for events to occur for performing media processing and a topology loader component for loading a topology that describes a flow for the received media data to enable processing via extensible symbolic abstraction of media objects of 0006], wherein the media timeline specifies delayed creation of one or more said nodes when the media timeline is rendered [the topology enables dynamic adding and removing of 0006; object instantiation can be delayed until the topology is resolved of 0038];  
metadata that is utilized by the plurality of applications [parameters of abstract, 0008, 0009], wherein the metadata describes: how rendering of the plurality of nodes is to be initiated [parameters of abstract, 0008, 0009]; properties of the plurality of nodes [characteristics of 0009]; and node types of the plurality of nodes [node type of 0008]; at least one node that is configured for communication of events to another node that is configured for communication of events to another node such that a change may be made to the media timeline while the media timeline is being rendered [the topology enables dynamic adding and removing of 0006]; and at least one node that is a parallel

node that provides simultaneous rendering of at least two child nodes [parallel nodes of 0045 and Fig 6].

75. As per claim 86, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

76. As per claim 87, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

77. As per claim 88, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

78. As per claim 89, Rudolph teaches: a root node that specifies a starting point for rendering the media timeline, the root node including metadata that describes how rendering is to be initiated [root of Figure 6];

a leaf node that directly maps to media to be rendered and output, the leaf node including metadata that describes how to retrieve the media leaves of Figure 6];

a sequence node that includes metadata that describes a rendering order of a plurality of leaf nodes to the sequence node [sequence of Figure 6 and 0045]; and

a parallel node that includes metadata specifying a plurality of leaf nodes that are rendered simultaneously [parallel node of 0045 and Figure 6].

### ***Response to Arguments***

79. Applicant's arguments, see Remarks, filed 6/5/2008, with respect to the rejection(s) of claim(s) 1-88 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rudolph (2004/0267778 A1).

80. In response to the "Statement of Substance of Interview," applicant states "I understood the Examiner to tentatively concur that the proposed clarifying claim amendments appeared to distinguish over the cited references." Examiner submits that there was no verbal or physical gesture to indicate a tentative agreement regarding the amendments during the interview. Examiner only indicated that he would need to review the cited references due to the extensive number of claims (i.e. 88) that were originally filed in this case.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ENRIQUE W. ITURRALDE whose telephone number is (571)270-3627. The examiner can normally be reached on Monday-Thursday 9 AM - 5 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. W. I./  
Examiner, Art Unit 2179

/Ba Huynh/  
Primary Examiner, Art Unit 2179